

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JORGE RIVERA,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

THE ANTHEM COMPANIES, INC.
f/k/a THE WELLPOINT COMPANIES, INC.,
and HEALTHPLUS HP, LLC d/b/a EMPIRE
BLUECROSS AND BLUESHIELD HEALTH
PLUS f/k/a AMERIGROUP NEW YORK, LLC

Defendants.

Case No. 1:18-cv-01420

**DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's First Amended Complaint, and upon all the pleadings and proceedings herein, Defendants THE ANTHEM COMPANIES, INC. f/k/a THE WELLPOINT COMPANIES, INC., and HEALTHPLUS HP, LLC d/b/a EMPIRE BLUECROSS AND BLUESHIELD HEALTH PLUS f/k/a AMERIGROUP NEW YORK, LLC will move this Court before the Honorable Gregory H. Woods, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007 on a date and at a time to be designated by the Court, for an order: (i) dismissing the Complaint in its entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) granting to Defendants such other and further relief as the Court may deem just and proper.

Dated: June 25, 2018

SEYFARTH SHAW LLP

By: /s/ Jeffrey Glaser

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2018, I electronically filed the foregoing **DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT** with the clerk of court using the CM/ECF system, which will send notification of such filing to the following:

C.K. Lee
Anne Seelig
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, New York 10016

/s/ Jeffrey L. Glaser
Jeffrey L. Glaser